

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	FOURTEENTH JUDICIAL CIRCUIT
COUNTY OF BEAUFORT)	CIVIL ACTION NO. 2022-CP-07-_____
)	
DEBORA SCHNEIDER,)	
)	
Plaintiff,)	
)	
Vs.)	SUMMONS
)	(Jury Trial Demanded)
JEFFREY FAMILY TRUST,)	
)	
Defendant.)	
)	
_____)	

TO: THE DEFENDANT ABOVE NAMED:

YOU ARE HEREBY SUMMONED AND REQUIRED to answer the Complaint in the above entitled action, a copy of which is herewith served upon you, and to serve a copy of your Answer to the said Complaint upon the subscriber at his office located at JENKINS LAW FIRM, P.A., 155 William Hilton Parkway, Post Office Box 21307, Hilton Head Island, South Carolina, 29925, within thirty (30) days after the service hereof, exclusive of the date of such service; and if you fail to answer the said Complaint within the time aforesaid, the Plaintiff in this action will apply to the Court for the relief demanded in the Complaint.

JENKINS LAW FIRM, P.A.
Attorney for Plaintiff

s/William G. Jenkins, Jr.
William G. Jenkins, Jr., SC Bar #2982
Post Office Box 21307
Hilton Head Island, South Carolina 29925
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Hilton Head Island, South Carolina
November 14th, 2022

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	FOURTEENTH JUDICIAL CIRCUIT
COUNTY OF BEAUFORT)	CIVIL ACTION NO. 2022-CP-07-_____
)	
DEBORA SCHNEIDER,)	
)	
Plaintiff,)	
)	
Vs.)	COMPLAINT
)	(Jury Trial Demanded)
JEFFREY FAMILY TRUST,)	
)	
Defendant.)	
)	
)	

PLAINTIFF, complaining of the Defendant herein, would respectfully show unto this Honorable Court and allege:

1. That Plaintiff is a resident of the state of Maryland.
2. That upon information and belief, the Defendant is a trust which was created in the state of Massachusetts, and which holds title to the real property upon which the Laurel Oak tree hereinafter described was situated.
3. That the incident hereinafter referred to occurred in Beaufort County, South Carolina.
4. That on September 30th, 2022, Plaintiff's husband, Gary Lynn Schneider, was riding his bicycle down Leamington Lane, located within the housing development known as Leamington in the vicinity of a home located at 13 Leamington Lane, said home being owned by the Defendant, Jeffrey Family Trust, when a tree believed to be a Laurel Oak, toppled over, striking and injuring Mr. Schneider as is hereinafter set forth.
5. That, as a result of this incident, Plaintiff's husband suffered personal injuries, which include but are not limited to his lower extremities, a closed head injury, a fractured vertebra, and numerous other personal injuries which will be disclosed during the discovery process,

all of which have caused and will in the future cause Plaintiff's husband to endure great physical pain, suffering, mental anguish, emotional distress, and impairment of health and bodily efficiency, and which have caused Plaintiff's husband to spend money for medical attention and treatment, and have caused Plaintiff's husband to lose wages which will continue indefinitely, as well as a loss of earning capacity.

6. That Plaintiff, Debora Schneider, and Gary Lynn Schneider, are married to each other, having been married on August 15th, 1992.
7. That, as a direct and proximate result of the negligent, possibly grossly negligent, reckless, willful, and wanton conduct of the Defendant, Plaintiff Debora Schneider, has lost the society, companionship, services, and affection of her husband, Gary Lynn Schneider.
8. That Plaintiff, Debora Schneider, accordingly, is entitled to recover actual and possibly punitive damages for loss of consortium from the Defendant in an amount to be determined by this Honorable Court.

WHEREFORE, PLAINTIFF prays for judgement against the Defendant for actual and punitive damages, should they be warranted, in an amount to be determined by this Honorable Court, for the costs of this action, and for such other and further relief as this Court may deem just and proper.

JENKINS LAW FIRM, P.A.
Attorney for Plaintiff

s/William G. Jenkins, Jr.
William G. Jenkins, Jr., SC Bar #2982
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Hilton Head Island, South Carolina
November 14th, 2022

<p>STATE OF SOUTH CAROLINA COUNTY OF BEAUFORT</p> <p>DEBORA SCHNEIDER, Plaintiff,</p> <p>VS.</p> <p>JEFFERY FAMILY TRUST Defendant,</p>	<p>) IN THE COURT OF COMMON PLEAS) FOURTEENTH JUDICIAL CIRCUIT) CIVIL ACTION NO. 2022-CP-07-02241))))))))</p>
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DEFENDANT, JEFFERY FAMILY TRUST’S ANSWER TO COMPLAINT

NOW INTO COURT, comes Defendant, Jeffery Family Trust (“Defendant”), and files this Answer to Plaintiff’s Complaint filed by Plaintiff Debora Schneider, and respectfully avers as follows:

1. The allegations contained in Paragraph 1 of the Complaint are denied for lack of sufficient information to justify a belief therein.
2. The allegations contained in Paragraph 2 of the Complaint are denied except to admit that the Defendant is a trust which was created in the state of Massachusetts.
3. The allegations contained in Paragraph 3 of the Complaint are admitted.
4. The allegations contained in Paragraph 4 of the Complaint are denied as written.
5. The allegations contained in Paragraph 5 of the Complaint are denied.
6. The allegations contained in Paragraph 6 of the Complaint are denied for lack of sufficient information to justify a belief therein.
7. The allegations contained in Paragraph 7 of the Complaint are denied.
8. The allegations contained in Paragraph 8 of the Complaint are denied.
9. Defendant denies Plaintiff is entitled to any of the relief requested in the unnumbered WHEREFORE clause of the Complaint.

10. Defendant denies each and every other allegation of Plaintiff's Complaint except such allegations as are specifically admitted and those allegations which constitute admissions against Plaintiff's interests.

AFFIRMATIVE DEFENSES

And now, further answering, Defendant asserts the following affirmative defenses:

11. In the alternative, Defendant, avers that the sole proximate cause of the damage in question was the negligence, fault, or want of due care on the part of others for which Defendant is not responsible.

12. Defendant avers in the alternative and only in the event this Honorable Court finds fault on the part of Defendant, which is again specifically denied, that the sole proximate cause of the accident in question was the negligence, fault, or want of due care on the part of the Plaintiff's husband, Gary Schneider, in the following non-exclusive particulars:

- a. Failing to see what he should have seen;
- b. Failing to observe his surroundings;
- c. Failing to exercise reasonable care under the circumstances; and
- d. Any and all other acts of negligence to be shown at the trial of the captioned matter.

All of which acts of negligence serve to reduce or bar the Plaintiff's rights to recovery herein.

13. Defendant avers that the damages complained of resulted wholly or in part from the comparative fault of persons and parties for whom Defendant cannot be held responsible or liable, which serves as a bar to or in diminution of any recovery herein.

14. Defendant avers that no condition at or on the property or at any other material area herein, posed a hazard or defect to Plaintiff.

15. Defendant further avers in the alternative, in the event it is shown that a defect existed creating an unreasonable risk of harm to Plaintiff herein, which is again specifically denied, the Defendant had neither actual nor constructive knowledge or notice of said defect.

16. Continuing in the alternative, Plaintiff's injuries and damages, if any, resulted from Plaintiff's husband's (Gary Schneider) assumption of known risks.

17. Defendant avers that the damages complained of were the result of force majeure for which Defendant had no control.

18. Defendant avers that the incident complained of was neither caused nor contributed to by any fault or negligence on the part of any Defendant or on the part of anyone for whom Defendant may be responsible.

19. Defendants aver in the alternative that Plaintiff failed to take reasonable steps to mitigate his injuries and damages, if any.

20. Defendant avers, to the extent any liability is found against Defendant, it is entitled to a credit and/or setoff to the extent of fault of any third-parties.

21. Defendant avers, to the extent any liability is found against Defendant, it is entitled to a credit and/or setoff to the extent of any payments received by Plaintiff from any third party.

22. Defendant specially plead the comparative negligence of Plaintiff's husband, Gary Schneider, and/or any and all third parties, named or unnamed, in such respects as may be shown at the trial of this matter.

Signature on following page.

RICHARDSON PLOWDEN & ROBINSON, P.A.

s/ James B. Robey, III

James B. Robey, III, S.C. Bar No. 102452

1900 Barnwell Street (29201)

P.O. Drawer 7788

Columbia, South Carolina 29202

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Attorney for Jeffery Family Trust LLC

February 3, 2023
Columbia, SC